

## **FACTSHEET**

**TITLE:** **USE PERMIT NO. 108A**, requested by Michael Rierden on behalf of Pioneer Greens, LLC, to allow for an additional sign on property generally located at 84<sup>th</sup> Street and Pioneers Boulevard.

**STAFF RECOMMENDATION:** Conditional Approval

**SPONSOR:** Planning Department

**BOARD/COMMITTEE:** Planning Commission  
Public Hearing: Consent Agenda: 02/15/06  
Administrative Action: 02/15/06

**RECOMMENDATION:** Conditional Approval  
(5-0: Carlson, Carroll, Esseks, Sunderman and Taylor voting 'yes'; Krieser, Larson and Strand absent).

### **FINDINGS OF FACT:**

1. This proposed amendment to Use Permit No. 108 is a result of recent improvements to the intersection of 84<sup>th</sup> Street and Pioneers Boulevard, which resulted in the removal of a ground sign located near the intersection. The sign removed was not allowed by the zoning ordinance, thus to replace the sign at this location, specific approval of the City Council is required.
2. The staff recommendation of conditional approval is based upon the "*Analysis*" as set forth on p.3, concluding that the request is in conformance with the Comprehensive Plan.
3. On February 15, 2006, this application appeared on the Consent Agenda of the Planning Commission and was opened for public hearing. No one came forward to speak.
4. On February 15, 2006, the Planning Commission agreed with the staff recommendation and voted 5-0 to recommend conditional approval, as set forth in the staff report dated January 31, 2006.

**FACTSHEET PREPARED BY:** Jean L. Walker

**DATE:** April 3, 2006

**REVIEWED BY:** \_\_\_\_\_

**DATE:** April 3, 2006

**REFERENCE NUMBER:** FS\CC\2006\UP.108A

## LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

### for February 15, 2006 PLANNING COMMISSION MEETING

**PROJECT #:** Use Permit #108A

**PROPOSAL:** Allow an additional sign.

**LOCATION:** 84<sup>th</sup> Street and Pioneers Boulevard

**LAND AREA:** 18.24 acres, more or less.

**CONCLUSION:** Allowing this sign conforms to the Zoning Ordinance.

<b><u>RECOMMENDATION:</u></b>	Approval
-------------------------------	----------

### **GENERAL INFORMATION:**

**LEGAL DESCRIPTION:** Lots 2 and 11, Pioneer Greens 1st Addition, Lots 1-3, Pioneer Greens 5th Addition, Lots 1-7 and Outlot A, Pioneer Greens 6th Addition, Lighthouse Condominium Units A and B, and Pioneer Pond Condominium Units A and B, all located in the NW 1/4 of Section 11 T9N R7E, Lancaster County, Nebraska

**EXISTING LAND USE AND ZONING:** Commercial                      O-3 Office Park

### **SURROUNDING LAND USE AND ZONING:**

North:	Church	AGR Agricultural Residential
South:	Single-family dwellings	R-3 residential
East:	Single-family dwellings	R-3 residential
West:	Single-family dwellings	R-3 residential
	Commercial	O-2 Suburban Office

### **HISTORY:**

Jul 2000      Administrative Amendment #00042 revised the office park layout.

Aug 1999      Administrative Amendment #99011 revised the office park layout.

Sep 1998      Administrative Amendment #98048 revised the right-of-way width for Mandarin Drive and the dimensions for lots facing Pioneer Greens Drive.

Jul 1998      Use Permit #108, Change of Zone #3112, Special Permit #1722, and Preliminary Plat #98007 approved changing the zone to O-3 Office Park and R-3 Residential for 145,000 square feet of commercial floor area and 85 dwelling units.

May 1979      This property was changed from AA Rural and Public to AG Agricultural during the zoning update.

**COMPREHENSIVE PLAN SPECIFICATIONS:** The 2025 Future Land Use Plan shows this area as Commercial. (F 25)

**ANALYSIS:**

1. This request stems from the recent improvements to the intersection of 84<sup>th</sup> Street and Pioneers Boulevard, which resulted in the removal of a ground sign located near the intersection.
2. The sign that was previously located here was not allowed by the zoning ordinance, nor allowed under the existing use permit, but was issued a permit by the Building and Safety Department. In order to replace the sign at this location, specific approval from the City Council is required.
3. There are also two other signs shown on the existing use permit that are not allowed or approved. These signs are located along Pioneers and 84th, midway between the intersection and office park entrances. Staff suggests these signs should be acted upon as part of this proposal.
4. The O-3 district allows wall signs, ground signs at building entrances, and one ground sign per vehicle entrance. The three signs identified above do not meet any of these criteria, but can be allowed as additional signs by the City Council as part of a use permit approval. If approved, the sign locations marked 1, 2, and 3 on the attached site plan would be in addition to any other signs already allowed by the sign regulations.
5. The Public Works Department has no objection to the installation of the sign on the retaining wall as long as it is not illuminated and does not interfere with the traffic light operation.
6. No City Department has objected to allowing these signs.
7. Planning Staff recommends approval based upon the following conditions.

**CONDITIONS OF APPROVAL:**

Site Specific:

1. After the applicant completes the following instructions and submits the documents and plans to the Planning Department office and the plans are found to be acceptable, the application will be scheduled on the City Council's agenda:
  - 1.1 Revise the site plan by adding a note stating the sign located at the intersection of 84<sup>th</sup> Street and Pioneers Boulevard may be located on the retaining wall provided it is nonilluminated, nonanimated, nonreflective, and does not interfere with the operation of the traffic signal or traffic movement.

2. This approval permits 3 additional signs within the Pioneer Greens Office Park: one at the intersection of 84<sup>th</sup> Street and Pioneers Boulevard located on the retaining wall, one located along 84<sup>th</sup> Street frontage midway between the intersection and the office park entrance, and one located along Pioneers Boulevard midway between the intersection and the office park entrance.

General:

3. Before receiving building permits:
  - 3.1 The permittee shall have submitted a revised and reproducible final plan including 5 copies.
  - 3.2 The construction plans shall comply with the approved plans.

STANDARD CONDITIONS:

4. The following conditions are applicable to all requests:
  - 4.1 All development and construction shall have been completed in compliance with the approved plans.
  - 4.2 All privately-owned improvements shall be permanently maintained by the owner or an appropriately established homeowners association approved by the City Attorney.
  - 4.3 The site plan accompanying this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
  - 4.4 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
  - 4.5 The applicant shall sign and return the letter of acceptance to the City Clerk within 30 days following the approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filling fees therefor to be paid in advance by the applicant.
5. The site plan as approved with this resolution voids and supersedes all previously approved site plans, however all resolutions approving previous permits remain in force unless specifically amended by this resolution.

Prepared by:  
Greg Czaplewski  
441-7620, gczaplewski@lincoln.ne.gov

**Date:** January 31, 2006

**Applicant:** Pioneer Greens LLC  
**and** 300 North 44<sup>th</sup> Street, Suite 100  
**Owner:** Lincoln, NE 68503  
467.1234

**Contact:** Mike Rierden  
645 M Street, Suite 200  
Lincoln, NE 68508  
476.2413

## USE PERMIT NO. 108A

### CONSENT AGENDA

### PUBLIC HEARING & ADMINISTRATIVE ACTION

### BEFORE PLANNING COMMISSION:

February 15, 2006

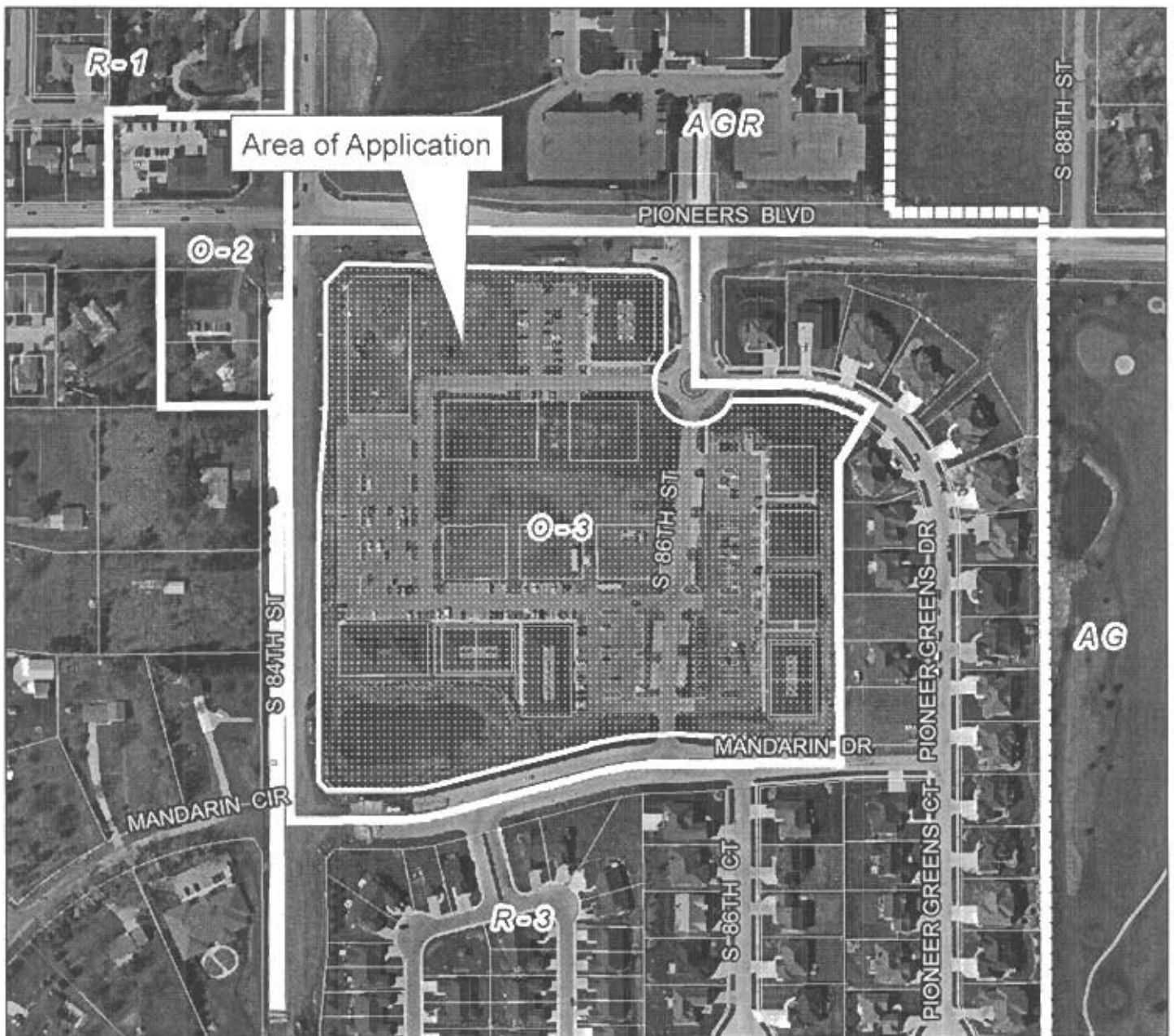
Members present: Carlson, Carroll, Esseks, Sunderman and Taylor; Krieser, Larson and Strand absent.

The Consent Agenda consisted of the following items: **CHANGE OF ZONE NO. 06004, CHANGE OF ZONE NO. 06005, CHANGE OF ZONE NO. 06006, SPECIAL PERMIT NO. 06003, SPECIAL PERMIT NO. 06005 and USE PERMIT NO. 108A.**

Ex Parte Communications: None.

Taylor moved to approve the Consent Agenda, seconded by Carroll and carried 5-0: Carlson, Carroll, Esseks, Sunderman and Taylor voting 'yes'; Krieser, Larson and Strand absent.

Note: This is final action on Special Permit No. 06003 and Special Permit No. 06005, unless appealed to the City Council by filing a letter of appeal with the City Clerk within 14 days of the action by the Planning Commission.

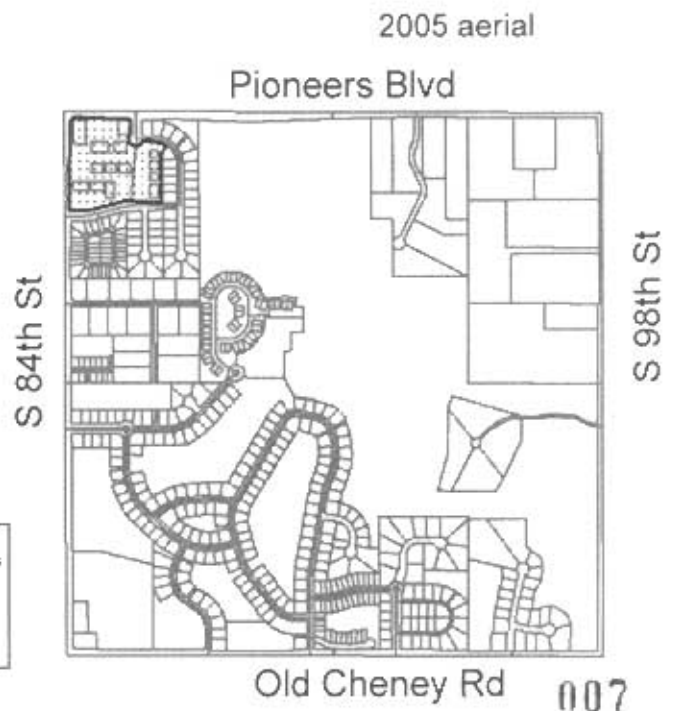
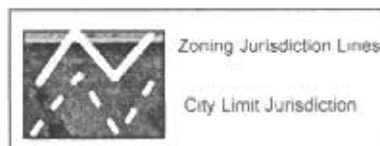


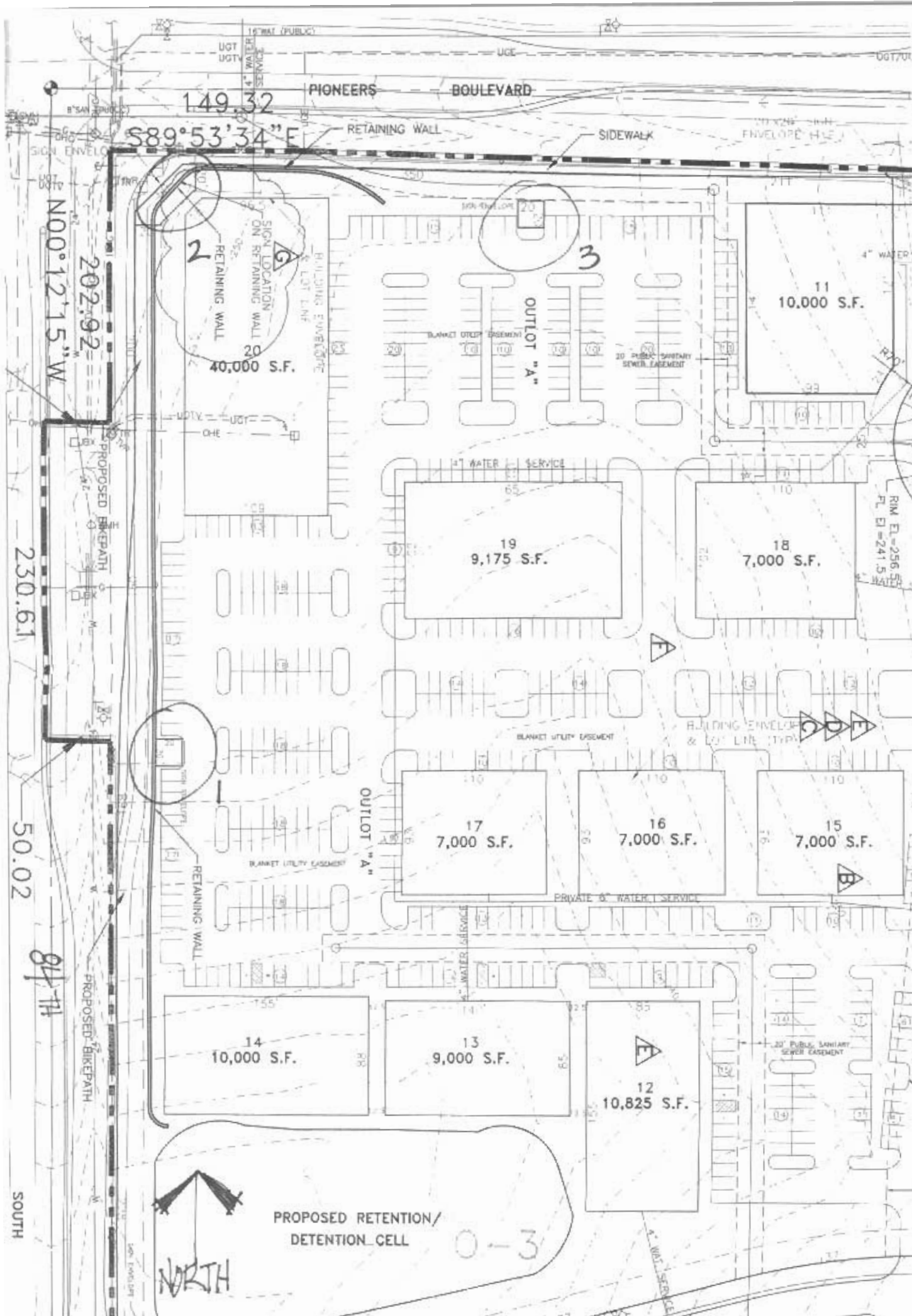
# **Use Permit #108A** **S 84th St & Pioneers Blvd.** **Pioneer Greens**

## **Zoning:**

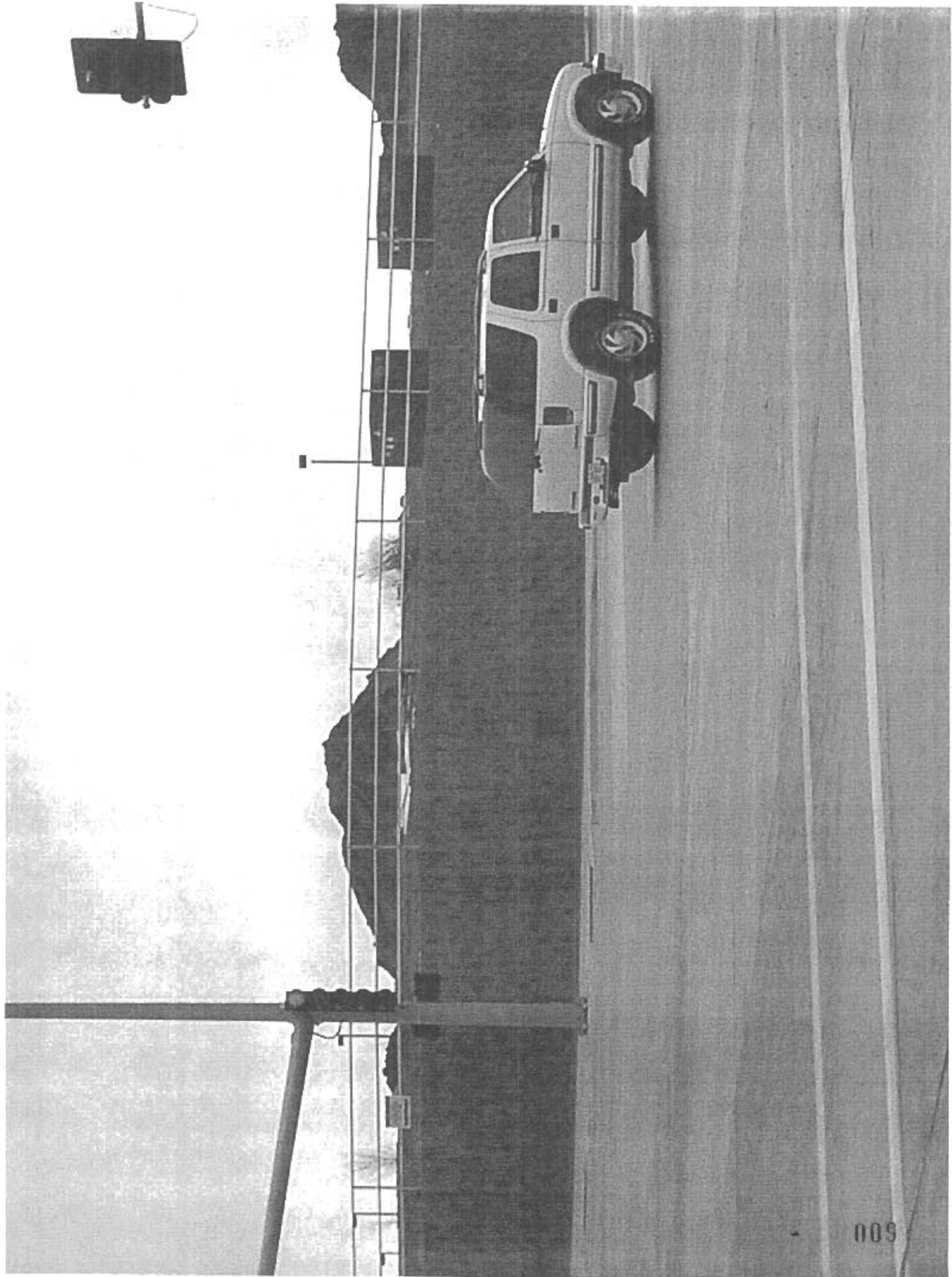
R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

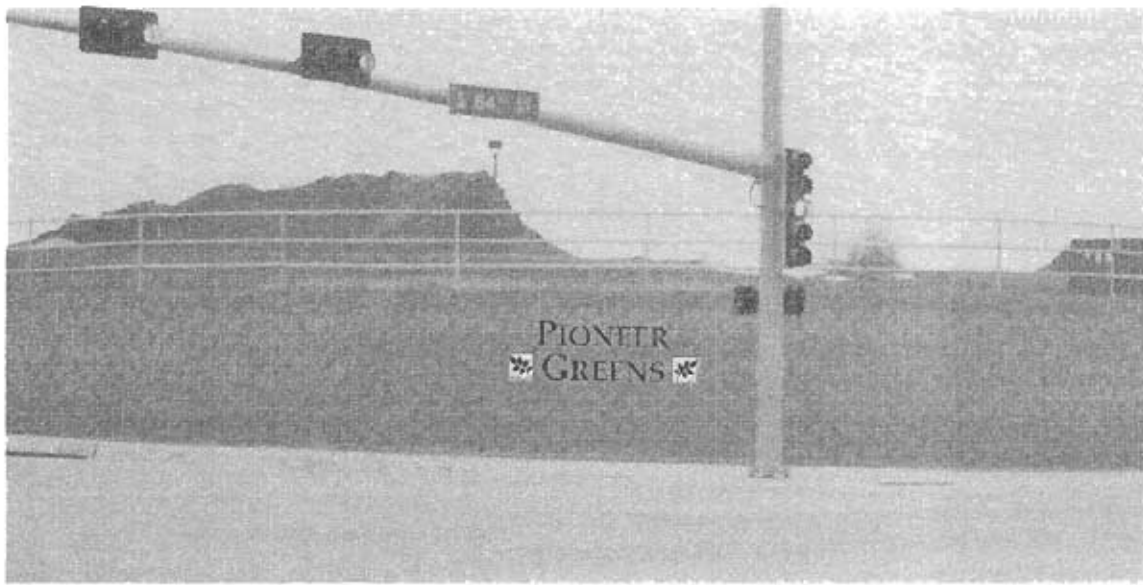
One Square Mile  
 Sec. 11 T9N R7E











SIGN AT LOCATION #1

FOR SALE BY OWNER

011

HOM

SIGN AT LOCATION #3

**J. Michael Rierden**  
ATTORNEY AT LAW

THE COTSWOLD  
645 "M" STREET  
SUITE 200  
LINCOLN, NE 68508

TELEPHONE (402) 476-2413  
TELECOPIER (402) 476-2948

January 10, 2006

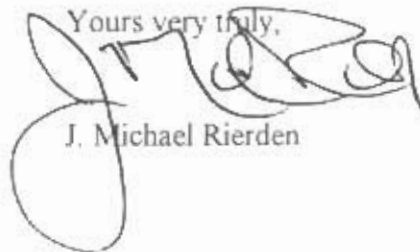
Lincoln/Lancaster County  
Planning Department  
555 South 10<sup>th</sup> Street  
Lincoln, Nebraska 68508

RE: Location of Monument Sign at Pioneer Greens, Lincoln, Nebraska

To Whom It May Concern:

Please consider this letter part of the submittal for an amendment to Use Permit 108 by Pioneer Greens located at approximately 84<sup>th</sup> and Pioneer Boulevard. The objective of the request is to allow the location of the sign as shown on the attached drawings. A sign had previously been approved under Use Permit 108 but because of the widening of 84<sup>th</sup> the original location is no longer available. Would you please process this matter as soon as possible. If you should have any questions or need any additional information please feel free to contact me.

Yours very truly,

A handwritten signature in black ink, appearing to read "J. Michael Rierden", written over the typed name.

J. Michael Rierden

JMR/jdr